

REMARKS

The office action of December 14, 2009, has been carefully considered.

Regarding the copy of DE 103 25 955.4, since this is a national phase of a PCT application, the international office sends the priority document to the national office. According to PCT rules the applicant is not required to provide a copy of the priority document. The correct priority date for the present application is thus June 7, 2003.

It is noted that claims 1, 6-9 and 10 are rejected under 35 U.S.C. 103(a) over the patent to Pleschiutschnigg et al. '991 in view of the patent to Pleschiutschnigg et al. '985, the patent to Mabuchi et al., JP 406100949 and the patent application of Dittrich et al.

Claim 2 is rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the Dittrich et al., and further in view of JP 2000087128 and JP 10130713.

Claims 1 and 6-11 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949, the patent application of Pleschiutschnigg et al. '163, and the patent to Rose et al.

Claim 3 is rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949, Pleschiutschnigg et al. '163, and Rose et al., and further in view of JP '713.

Claims 1, 4 and 6-10 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the patent to Gero.

Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the patent to Keilman et al.

Claim 12 is rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and Dittrich et al., Pleschiutschnigg et al. '163, Rose et al., Gero, or Keilman et

al., and further in view of the patent to Cornet et al.

In view of the Examiner's rejections of the claims, applicant has amended claim 1.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the methods disclosed in the references.

Turning now to the references, applicant has looked at each of the references individually and in the combinations argued by the Examiner and does not see where there is any teaching which would make the presently claimed invention obvious. None of the references provide any teaching of a method that includes the steps of providing a plurality of specific process routes for producing molten steel, and selecting one of the process routes from the plurality of routes provided, according to a desired final microstructure, as in the presently claimed invention. There is no teaching by any of the references of providing a plurality of process routes and then selecting one of the process routes based on a desired final microstructure. The references at most show providing a single process route.

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In view of these considerations it is respectfully submitted that the rejections of claims 1-12 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on March 15, 2010.

By:


Klaus P. Stoffel

Date: March 15, 2010